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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,779	02/23/2004	Hitoaki Owashi	500.34521CC3	5490

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BRUNDIDGE & STANGER, P.C.  
1700 DIAGONAL ROAD, SUITE 330  
ALEXANDRIA, VA 22314

EXAMINER
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DUNN, MISHAWN N

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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04/01/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/782,779	<b>Applicant(s)</b> OWASHI ET AL.	
	<b>Examiner</b> MISHAWN DUNN	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 11 March 2009.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 2-5,8-12,14 and 15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 2-5,8-12,14 and 15 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 23 February 2004 is/are: a)  accepted or b)  objected to by the Examiner.
  - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \*    c)  None of:
  - 1.  Certified copies of the priority documents have been received.
  - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 2-5, 8-12, 14, and 15 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 4, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz (US Pat. No. 5,541,738) in view of Delpuch et al. (US Pat. No. 5,448,568).

4. Consider claim 2. Mankovitz teaches a receiver apparatus for a digital signal comprising: a receiver which receives a plurality of programs with discrimination information and guide information regarding said plurality of programs (col. 4, lines 12-14; fig. 1, directory controller 32); a selector which selects a program from said plurality of programs received by said receiver based on the discrimination information (fig. 1, remote 75); a data former which forms guide information regarding the selected program from the received guide information regarding said plurality of programs, the formed guide information indicating the contents of the selected program, and the formed guide information regarding only the selected program (col. 5, lines 38-59; when

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the user selects for a program to be recorded, the guide information for only the selected program is recorded on the tape also); and an output device which outputs the formed program signal (fig. 1, video display 50a).

Mankovitz does not teach wherein said plurality of programs are time-division multiplexed into a plurality of data packets and said guide information indicates the identification information of packets of the plurality of programs and the contents of said plurality of programs and forms a program signal by multiplexing the selected program and the formed guide.

However, Delpuch et al. teaches plurality of programs are time-division multiplexed into a plurality of data packets and said guide information indicates the identification information of packets of the plurality of programs and the contents of said plurality of programs and forms a program signal by multiplexing the selected program and the formed guide (abstract).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to time-division multiplex plurality of programs into a plurality of data packets and guide information that indicates the identification information of packets of the plurality of programs and the contents of plurality of programs, in order to reliably and conveniently access programs.

5. Consider claim 4. Mankovitz teaches a receiver apparatus according to claim 2, wherein said formed guide information indicates at least a title of said selected program (fig. 3).

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6. Consider claim 8. Mankovitz teaches a receiver apparatus according to claim 2, wherein said formed guide information indicates at least a start-time of the selected program (fig. 9).

7. Claims 3, 5, 9-12, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz (US Pat. No. 5,541,738) in view of Delpuch et al. (US Pat. No. 5,448,568) in view of Arai et al. (US Pat. No. 5,671,095).

8. Consider claim 3. Mankovitz teaches a receiver apparatus for a digital signal comprising: a receiver which receives a plurality of programs with discrimination information and guide information regarding said plurality of programs (col. 4, lines 12-14; fig. 1, directory controller 30), a selector which selects a program from said plurality of programs received by said receiver based on the discrimination information (fig. 1, remote 7); a data former which forms guide information regarding the selected program from the received guide information regarding said plurality of programs, the formed guide information indicating the contents of the selected program, and the formed guide information regarding only the selected program (col. 5, lines 38-59; when the user selects for a program to be recorded, the guide information for only the selected program is recorded on the tape also); an output/input device which outputs/inputs the formed program signal; an input device which inputs said selected program and said formed guide information reproduced by the recording/reproducing device; and a decoder which decodes a program, wherein the program selected by said selector is decoded based on said guide information received by said receiver and said selected

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program input by said output/input device is decoded based on said formed guide information input by said output/input device (col. 3, lines 13-42; col. 4, lines 9-12),

Mankovitz does not teach wherein said plurality of programs are time-division multiplexed into a plurality of data packets and said guide information indicates the identification information of packets of the plurality of programs and the contents of said plurality of programs.

However, Delpuch et al. teaches plurality of programs are time-division multiplexed into a plurality of data packets and said guide information indicates the identification information of packets of the plurality of programs and the contents of said plurality of programs (abstract).

Mankovitz nor Delpuch et al., teach a change-over circuit which selects and outputs the program selected by said selector or the selected program inputted by said output/input device.

However, Arai et al. teaches a change-over circuit which selects and outputs the program selected by said selector or the selected program input by said output/input device (col. 9, line 17 – col. 10, line 55).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to time-division multiplex plurality of programs into a plurality of data packets and guide information that indicates the identification information of packets of the plurality of programs and the contents of plurality of programs and a change-over circuit which selects and outputs the program selected by

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said selector or the selected program inputted by said output/input device, in order to reliably and conveniently access programs.

9. Consider claim 5. Mankovitz teaches a receiver apparatus according to claim 3, wherein said formed guide information indicates at least a title of said selected program (fig. 3).

10. Consider claim 9. Mankovitz teaches a receiver apparatus according to claim 3, wherein said formed guide information indicates at least a start-time of the selected program (fig. 9).

11. Claims 10-12, 14, and 15 are rejected using similar reasoning as the corresponding claims above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/  
Examiner, Art Unit 2621  
March 25, 2009

/JAMIE JO VENT ATALA/  
Examiner, Art Unit 2621